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FILED

MAY 11 2010

**SECRETARY, BOARD OF
OIL, GAS & MINING**

**BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

UTAH CHAPTER OF THE SIERRA CLUB,
et al.,

Petitioners,

Docket No. 2009-019

Cause No. C/025/0005

DIVISION OF OIL, GAS AND MINING,
Respondent, and

ALTON COAL DEVELOPMENT, LLC, and
KANE COUNTY, UTAH,
Intervenors-Respondents.

**PETITIONERS' MOTION FOR
POSTPONEMENT OF POST-HEARING BRIEFING SCHEDULE**

For the reasons stated herein, Petitioners request a brief postponement of the briefing schedule for post-hearing briefs regarding the air quality and cultural resource issues in this matter. Pursuant to the agreement reached at the April 29-30, 2010, hearing, Petitioners agreed to submit excerpts from the Rule 30(b)(6) depositions of the Division of Oil, Gas and Mining

(“Division”) and Alton Coal Development, LLC (“ACD”) for introduction as evidence prior to the initiation of the second hearing on May 21, 2010. Informal Transcript of Hearing Proceedings, DOCKET NO. 2009-019 CAUSE NO. C/025/0005 Vol. I (April 29, 2010) at 138 ln 25 to 140 ln 5. In order to provide time for opposing counsel to file objections and the Board to resolve this matter prior to completion of post-hearing briefing, Petitioners respectfully request a brief postponement of the deadline for submission of post-hearing briefs on May 12. A postponement is also appropriate in light of the fact that the court reporter has not been able to finalize the hearing transcript record as a result of the time the Board requested to review prior to certification.

In the event the Board does not grant a postponement of the briefing schedule, Petitioners are prepared to submit a brief by 5:00 Mountain Time on May 12, 2010, as currently scheduled, with cites to the informal transcript provided by the court reporter and the deposition transcript excerpts submitted for introduction as evidence. If the Board denies Petitioners’ pending Motion for Introduction of Deposition Transcripts after submission of this initial brief, Petitioners will submit a revised brief without cites to the deposition transcripts.

Dated: May 11, 2010

Respectfully submitted,

By: /s/ Sharon Buccino

Attorneys for Utah Chapter of the
Sierra Club, *et al.*.

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CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of May, 2010, I served a true and correct copy of **PETITIONERS' MOTION FOR POSTPONEMENT OF POST-HEARING BRIEFING SCHEDULE** to each of the persons listed below via e-mail transmission.

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